

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38887 of 2024

Arising Out of PS. Case No.-295 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Sunil Rajbhar S/o Devnath Rajbhar R/o Village-Pipnar, P.S.-Saidpur, District-
Gajipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
P.R. No.295 of 2024 arising out of Bhabua Excise P.S. Case
No.295 of 2024 lodged under sections 30(a) and 32(3) of Bihar
Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the
petitioner against whom there is allegation of recovery of 126
liter wine which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioners is innocent and has committed no offence. He
submits that the petitioner is neither owner nor driver of the
vehicle from where the recovery has been made and he is



innocent passenger who has taken lift in the vehicle. He further submits that due to wrong done by the owner and driver of the vehicle, he become accused in this case.

5. Counsel for the petitioner submits that petitioner is in custody since 29.03.2024 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that recovery of wine has been made from the vehicle on which the petitioner was sitting.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise)-II,, Kaimur at Bhabhua in connection with P.R. No.295 of 2024 arising out of Bhabua Excise P.S. Case No.295 of 2024, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

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